

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

OLAKWESU Y. ELBEY,)	
IN RE: KHARON TORCHEC DAVIS,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 1:17-CV-469-MHT
)	
DONALD VALENZA., et al.,)	
)	
Respondents.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

Olakwesu Y. Elbey, a frequent federal litigant, filed this action on July 13, 2017.¹ Elbey seeks to bring this petition for writ of habeas corpus on behalf of Kharon Torchech Davis.² The petition was not signed by Davis but by Elbey, an individual who identifies himself as a member “of SCLG, LLC a Special Consultant Legality Group.” Doc. No. 1 at 1. As previously noted, Elbey is not an attorney and he therefore cannot file a civil action on behalf of another pro se litigant. *See* Rule 11(a), F.R.Civ.P. (“Every pleading, written motion, and other paper must be signed by [an] attorney of record . . . or by a party

¹Olakwesu Y. Elbey is also known as Larry E. Ealy. *See Elbey v. Henderson, et al.*, Case No. 3:10-CV-143-TMR-SLO (S.D. Ohio 2010) (finding that Larry E. Ealy is Olakwesu Y. Elbey); *Elbey v. Henderson, et al.*, Case No. 3:10-437-WHR-SLO (S.D. Ohio 2010) (same); *Elbey, a.k.a Ealy, v. Farley, et al.*, Case No. 4:11-CV-1510-PAG (N.D. 2011) (Elbey acknowledges in habeas petition that he is also known as Larry E. Ealy). When delivering the instant petition to this court, Elbey identified himself as Larry Ealy. During a conversation with a Deputy Clerk, Ealy conceded he is not an attorney licensed to practice law and further denied he was also known as Olakwesu Y. Elbey.

²The instant petition contains claims challenging the constitutionality of Davis’ incarceration in the Houston County Jail on a 2007 charge for capital murder. Specifically, it is alleged that “Kharon Davis did not commit any crime in the State of Alabama” and should immediately be released from confinement. Doc. No. 1 at 1.

personally if the party is unrepresented.”); 28 U.S.C. § 1654 (“In courts of the United States the parties may plead and conduct their cases personally or by counsel[.]”). Moreover, Mr. Davis has not signed the petition filed in this case or otherwise indicated in any way that he wishes to pursue this action.

For the foregoing reasons, it is the RECOMMENDATION of the Magistrate Judge that the petition for habeas corpus relief be DENIED and this case be DISMISSED.

Objections to the Recommendation may be filed on or before August 2, 2017, and must specifically identify the factual findings and legal conclusions in the Recommendation to which the objection is made. Frivolous, conclusive, or general objections will not be considered by the court. Failure to file written objections to the Magistrate Judge’s findings and recommendations shall bar a de novo determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. 11TH Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

DONE this 19th day of July, 2017.

/s/ Wallace Capel, Jr.
CHIEF UNITED STATES MAGISTRATE JUDGE